

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By **VICE CHAIRMAN BOB LAWSON**, on March 9, 2001 at 3:10 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Jeff Mangan (D)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: Rep. Gay Ann Masolo, Chairman (R)
Rep. Joan Andersen (R)
Rep. Verdell Jackson (R)
Rep. Joe McKenney (R)
Rep. Butch Waddill (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 344, 3/5/2001; SB 390,
3/5/2001; SB 35, 2/22/2001
Executive Action: SB 344; SB 65; HB 121; HB 31

HEARING ON SB 390**Sponsor:** SENATOR JOHN COBB, SD 25, Augusta**Proponents:** Kathy Fabiano, OPI**Opponents:** None**Opening Statement by Sponsor:**

SENATOR JOHN COBB was not present, with his consent, the committee went on to proponent testimony.

Proponents' Testimony:

Kathy Fabiano, OPI, said the bill was brought forth at the request of OPI. Every session it is typical for them to come before the committee with this type of clean up bill. The purpose of the bill is to make corrections to existing law, it addresses inconsistencies and clarifies the intent in certain sections of the law of that OPI is charged with administering. She went through the bill section by section because it deals with such a variety of issues. It makes penalty provisions clearer when a district does not comply with the required 180 day school year. It corrects the duties listed for a county superintendent. It requires that the elementary and high school district boundary changes be made after levies are set for the year so that a school district can count on receiving the tax revenue that a budget was built on. It addresses the process in 20-6-502 for opening or reopening an elementary school. It refers to collection of fees earmarked for traffic education count; the law says they are collected by the court and they are actually collected by the county. Section 7 removes an obsolete reference to an excess general fund reserve. It deals with giving a district more flexibility in dates of their final budget meetings are held. It allows the school district to use its tuition fund, rather than their general fund, for youths placed in a detention facility. The bill removes redundant language from a present statute. It removes the tax limitations for emergency budget amendment levies. The bill extends the deadline to June 1, for school districts that are applying to OPI for increase ANB anticipated for the next school year. It removes several references to state equalization aid; the references are left over from the days when OPI had a separate fund to account for the collection and disbursement of state equalization aid revenues and those monies are now deposited and paid out of the state general fund. It corrects a reference to a new national guideline for the designed construction and operation of school

buses. The bill corrects the fund types that they use to account for school lunch money. There is no fiscal impact in this bill. She passed out the amendments to the bill, requested by **SENATOR JOHN COBB. EXHIBIT (edh54a01)** SBO39001.ace

Bob Vogel, MSBA, said have been through the bill a number of times and support it.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REPRESENTATIVE ALAN OLSON asked **Ms. Fabiano** about lines 6 and 7 on page 6. How will this affect **REPRESENTATIVE BALE's** bill?

Ms. Fabiano said that the bill in question allowed school districts to apply to OPI to reopen a school in the middle of the year. This bill is intended to make the deadline consistent with the deadline for a high school to reopen. The two bills may need to be coordinated. **REPRESENTATIVE OLSON** asked how it would be coordinated if the other bill allows a school to be reopened in the middle of a school year? **Connie Erickson** said she does not believe there is a problem, because in **REPRESENTATIVE BALE's** bill it was up to the trustees to request if they wanted to open in the middle of the year. The language put in that bill said that they do that. All this bill says is, if they want to reopen an elementary school the next year, they have to apply to OPI by June 1. She will double check the other bill.

REPRESENTATIVE JACKSON also had a question for **Ms. Fabiano**. In section 14 on page 11, starting at the top, he asked her to elaborate on what was done in this particular section.

Ms. Fabiano said that several years ago the legislature de-earmarked an account that OPI had called the State Equalization Aid account. It received monies from a variety of sources and the legislature appropriated those monies for several purposes. One was state equalization into schools. That account is now eliminated. All of those monies flow into the general fund and whatever the legislature wants to appropriate those general fund monies for on those appropriations are made out of the general fund, including all the purposes that are listed in the section.

REPRESENTED LEHMAN asked if she is aware in section 15, on pages 11 and 12, which relates to school bus standards, that Montana is one of three or four states that require fire proof upholstery for school bus seats. He said it is a very expensive requirement. **Ms. Fabiano** said no, she is not. She will look into it.

Closing by Sponsor: None

HEARING ON SB 35

Sponsor: SENATOR AL BISHOP, SD 9, Billings

Proponents: SENATOR JOHN BOHLINGER, SD 7, Billings
SENATOR ED BUTCHER, SD 47, Winifred

Opponents: Shane D. Larson, Student
Jacquiline Benmark, Montana Coalition Privacy
Scott Crichton, ACLU

Opening Statement by Sponsor:

SENATOR AL BISHOP, SD 9, Billings said the bill is something positive the legislature can do for schools and education and it doesn't cost a dime. He discussed the bill, saying the main parts of it are found on page 3, lines 16 and 17, section 20-3-324. It delineates the power and duties of the school district trustees and **SB 35** adds one power and duty. It says "assess the need for a school uniform policy and may adopt and administer a district policy that requires pupils to wear school uniforms." The bill started out heavier than it is right now and it was amended in the Senate Education Committee. It requires only that the trustees will assess the need for uniforms and may adopt a uniform policy. There is no mandate in the bill. He handed out information that he has gathered on the subject of school uniforms. In Billings Catholic schools from K-8, khaki pants and polo shirts are the order of the day. The administrator says they are to erase the difference between social classes and school uniforms seem to be modestly priced and are conducive to learning. The Garfield School in Billings has willingly decided to wear uniforms. **EXHIBIT (edh54a02)**

Proponents' Testimony:

SENATOR JOHN BOHLINGER, SD 7, Billings, said his district includes Garfield School. His district is probably the most economic and racially diverse district in the state of Montana. They are a mix of people that he feels privileged to represent. He has six children and at one time of their lives they attended Catholic schools in Billings. At that time, uniforms were required for students and it was a relief for parents to not have to go through the issue of "What am I going to wear to school today, and I need new clothes so I can look acceptable, etc." There was no peer pressure that young people often experience when they select back-to-school wardrobes. It was a given. There was a sense of order and there was a sense of discipline within that school. In his conversations with the principal of Garfield School, he has been told of the positive effects that

school uniforms have had on that body. The required uniforms are very affordable. The students have taken on a sense of price in the unique manner in which they dress. They don't look like the other kids. It has helped build a sense of morale. That is a very important part of the learning experience. The bill is a recommendation.

SENATOR ED BUTCHER, SD 47, Winifred, said he is speaking to the bill from a prior time in his experiences. At one time in his academic career, he taught sociology and it was very interesting. Several studies, particularly in education and juvenile areas, that he looked at were about the constant pointing toward the benefits in areas where they could create some uniformity, which uniforms do provide. School only last from six to eight hours and after that kids have the rest of the time to do all the individualism that they can stand. When students wear uniforms, they don't have to worry about what to wear to school. In a school in California they instituted a uniform policy and had had it for about a year. The children represented diversified cultures. It was definitely a middle class school. The students liked it. They had it going for over a year until a couple of mothers got the ACLU to start threatening legal action against the school board. The board threw up their hands and said uncle. They dropped the policy. That was a year ago. Most of the students still wear those uniforms. It cut down the conflict between kids at school. The bill is not mandating and leaves it to local authority, but removes the threat of law suits if a school desires to adopt a uniform policy.

Opponents' Testimony:

Shane Larson said that he is opposed to the bill as a concerned student at Carroll College. He grew up and lived in Miles City, Montana, for 18 years. He feels that Montana schools are in no need of school uniforms. What exactly is a school uniform? Senators have debated and said that schools can determine what they want. That goes down to the dress code and every school has a dress code which affects how kids look so they are conforming to the community that they go to school in. What are the benefits of having a school uniform? The response that comes to his mind is finance. The uniform will save parents money. There are still kids that will want the brand name garments. Parents will still need to buy the clothes the kid wears after school. He doesn't see the kids wearing the uniform all day long. It is said that the kids will enjoy safety with a uniform code. Uniforms have been talked about in metropolitan areas. How can we compare Montana schools to California schools? He lives 140 miles from Billings and he has been there and has seen no signs of gangs. Students and parents are going to argue that it violates their freedom of expression. The Supreme Court said

that students' freedom of expression in school must be protected unless it would seriously interfere with the requirements of appropriate discipline. What if the school uniform violates religious beliefs? Are uniforms truly effective? One statistical study produced by the University of Notre Dame's Department of Sociology on uniforms said that "uniforms had no direct effect on substance abuse, behavior problems, or attendance." It also claimed to have a negative affect on student achievements for those students considered pro-school. No one should be worried about what schools might adopt for uniforms.

Jacquiline Lenmark, Montana Coalition for Privacy and Free Expression,

said the bill is not talking about private schools. The client that she represents is in strong opposition to the bill. The client feels it is not appropriate to make this kind of a requirement in a publicly funded school. One of the goals of this kind of legislation is the modeling of behavior and that should not happen for parental convenience or administrative convenience. Those sorts of measures should be undertaken very carefully and with precision. It has been said that school uniforms will be cost effective. She relies on some of her own personal experience. Hand-me-downs are the order of the day for large families. If you are at the end of the line, that may not be desirable. This sort of measure will not allow a family that is trying to be economical about their clothing to have flexibility in obtaining clothing. There are positives in not requiring uniforms that she would like the committee to consider. In having to make the decision in the morning about what a child is going to wear, he is being allowed to decision-making ability that is appropriate and important in the child's later life. It helps him in the decision-making process for later in his life. It offers the child the chance to make mistakes about things that are not life threatening. A child has the opportunity to build his ability to build his strength to resist that peer pressure. She would ask the committee to consider erasing our differences in society should not be the goal of the public school. What we should be encouraging in the public schools is honoring and developing unique characteristics and unique differences that we have. The bill removes a protection for students or parents from the mandate of the local entity that controls.

Scott Crichton, American Civil Liberties Union of Montana, said their concerns go to individuality and the right to free expression, right to free speech, and the right of individuals to be who they are. There are certain rights in our constitution about children's rights. There are 37 states at present that allow school districts to require uniforms. It is happening. There is nothing prohibiting schools in Montana from adopting uniform codes, since there are schools that have done it. The

committee is being asked to pass a law that is already in effect. He believes the committee should make it clear to any school district that chooses to adopt a uniform code that they must have exceptions for people who have religious objections, for people who don't want to go along, and some way to help fund the people who can't afford to play the game. From what he has learned, one has to have these exemptions if the district ends up in a court situation.

Questions from Committee Members and Responses:

REPRESENTATIVE KEN PETERSON had a question for **Mr. Crichton**. The committee had some testimony about what happened in a school in California. Do you know anything about that? **Mr. Crichton** said he does not. He said he would do some research and get back to the Representative. **REPRESENTATIVE PETERSON** asked him where in the law it says that school boards are currently authorized to institute a uniform policy. **Mr. Crichton** said no. It is his understanding that it is part of the dress code policy. **REPRESENTATIVE PETERSON** asked if we assume that a school district is a governmental entity and it doesn't have self government powers and the law requires that they be authorized to do anything that isn't implied they can do, would you agree that this authorization would be appropriate? **Mr. Crichton** said he needs to get an answer to his first question before he answers the second question.

REPRESENTATIVE PETERSON had a question for **Jacquiline Lenmark**. He said that she made the statement to the effect that schools aren't in the business of erasing identity. He asked if she believes they are in the business of promoting or creating diversity. **Ms. Lenmark** said she intended to say is that she doesn't think it is good policy for society to attempt erasing differences among people in our schools. It is not reality. It is good public policy to encourage people to be who they happen to be. **REPRESENTATIVE PETERSON** asked her if she would agree that the primary purpose of schools is to educate children. **Ms. Lenmark** said she will agree on that. **REPRESENTATIVE PETERSON** asked her if other things are incidental. **Mr. Lenmark** said yes, but the decision making process is part of what education should be. **REPRESENTATIVE PETERSON** asked her if she would agree with him that when it comes to hand-me-downs, families could hand down uniforms as well as other clothes. **Ms. Lenmark** said perhaps.

REPRESENTATIVE VERDELL JACKSON had a question for **Mr. Crichton**. He asked him to elaborate a bit on the area of exceptions and they are the areas he had said the legislature might run into problems in a public school. **Mr. Crichton** said that a school would need a clear opt-out provision for people where there is no

retribution against a student, if he decides that he is not going to go along, they can base their objection on a number of grounds. It would seem that religious grounds could be one. Economic grounds could be another. The policy would have to pay attention to the cost. The presumption is that in public education, it is free. The bill is saying that the student has to dress in a certain way. A scholarship fund might be necessary for people who are in a position where they cannot afford the uniform or give them the option to not participate because of cost. **REPRESENTATIVE JACKSON** said that he thinks those could be easily provided. If an individual says, "I don't want to do it," what happens. **Mr. Crichton** said it would be an interesting challenge. The district would have to show a compelling interest in why the individual would have to dress up to attend a public school. What is the compelling state interest?

{Tape : 1; Side : B}

REPRESENTATIVE JACKSON asked him if in a school the boys were asked to wear nice shirts and pants, any color and the girls would be asked to dress modestly, would this hold up.

Mr. Crichton said that kind of dress code is in the schools already. There are exemptions that would be called outrageous and disruptive to the classroom. **REPRESENTATIVE JACKSON** said he went to a Challenge Program. It is a dropout school run by the National Guard. The first thing they did after one hour was issue them new uniforms. There are compelling reasons for doing that. He asked him if he believes schools could have this policy and not be challenged in court. **Mr. Crichton** said there are distinctions between the examples the Representative used and who the bill is talking to, compelling all young people who go to the public school to do this. He said he understands that the graduation rates of the schools like the Representative was talking about are at about 25%. He is not sure that the uniforms are getting the person what he should get, that is the education. Kids who are in school are there because it is the expectation in the law that they will be there. **REPRESENTATIVE JACKSON** asked him to discuss the idea of a religious exception. He asked him if he knew of a particular situation. **Mr. Crichton** said he is not familiar with any particular one.

REPRESENTATIVE JEFF MANGAN asked how Garfield's elementary school in Billings can have a uniform policy if it is not in a state statute. The **SPONSOR** said the trustees did not put the students in a uniform. The parents, the kids and the administration all got together and worked out a uniform policy for the school. He is a lawyer and has looked at the law very carefully and he found nothing in it that allows trustees at present to adopt a uniform policy. This bill will enable them to do so. **REPRESENTATIVE**

MANGAN said it would sound to him as if the community, neighborhood and parents found a solution for what they wanted to do and it is working well without it being in a statute. The **SPONSOR** said if the committee reads the handout it will answer almost all of their questions. A district has to get the parents involved. **REPRESENTATIVE MANGAN** said that even without the bill in a statute, a community was able to do it. It is success at present? The **SPONSOR** said one school did it. **REPRESENTATIVE MANGAN** said that **Mr. Crichton** discussed some potential exemptions that might be added to the bill. They are included in the handout from the **SPONSOR**. He asked if he would be opposed to including that language in the bill. The **SPONSOR** said that he wouldn't, but if he wanted to spell it out, the Representative would be taking on a prodigious job, he thinks. The **SPONSOR** believes that the trustees, when they adopt a policy, will spell out those things. He doesn't believe they have to be put in a statute. **REPRESENTATIVE MANGAN** asked him about schools having dress code provisions. How are schools able to do that? The **SPONSOR** said they are not talking about a dress code. The principal and vice principal tried to put the kids in Billings Senior High in a uniform. They were shot out of the water so badly that they will probably never try it again.

REPRESENTATIVE NORMA BIXBY said when she went to school she was required to wear a uniform to gym class. When she didn't have the uniform, they denied her entrance to class. Would that happen in this bill? The **SPONSOR** said he would hope that a school would have sense enough to be aware of a student's situation if something had happened to his uniform.

REPRESENTATIVE NANCY FRITZ asked the **SPONSOR** in his reading if he noticed any difference in the reaction between grade school and high school students. The **SPONSOR** said no. **REPRESENTATIVE FRITZ** asked him why he amended out the part where the school gives aid to the poor children. The **SPONSOR** said he thinks that happened before the bill had been changed as much as it has.

REPRESENTATIVE FRITZ still wanted to know why anyone would want that take out. The **SPONSOR** said that they didn't want to mandate this and that. He doesn't want to tell the trustees what to do. He wants them to make the decisions.

Closing by Sponsor:

SENATOR BISHOP said he would hope that the committee would read at least the first three pages of the handout. It provides for the protection of trustees. He is hoping the trustees will be aware of all the problems that could exist. There are a lot of things that policy is going to provide. He has no objection to

the committee putting all of them in the bill, but he doesn't think it is necessary. He believes the trustees in their policy will have a lot more time to work on it with parents and others. There is a case that was decided in January from the Court of Appeals for the 5th Circuit that said, "a public schools system insistence that all students wear uniforms to school does not violate students' speech rights. Because the policy furthers the important government interest in improving education, while leaving open alternative avenues of expression, it does not offend the First Amendment." Kids are in school to be educated. They are members of a class. It is a poor place to express individualism when there are nineteen or twenty other people that the student is going to upset and disturb.

HEARING ON SB 344

Sponsor: SENATOR JOHN COBB, SD 25, Augusta

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SENATOR JOHN COBB, SD 25, Augusta, said that the bill adjusts the payments to parents when a district has a contract between the parent and the district. At present the parent is paid 21 cents for one round trip minus six miles. For example, if one has to take the child 20 miles to school, the parent is paid 21 cents for 14 miles. The price of everything goes up and the parent is barely meeting expense. He checked other states around Montana. In Wyoming they pay 29 cents a round trip or however many trips need to be made for a sedan. They pay 32 cents for a pickup and a station wagon. They pay for both round trips. Idaho is paying 34.5 cents for each round trip. North Dakota was paying 40 cents a mile for one way but they are in session right now and they might lower it to 25 cents for total mileage. The bill is trying, for the more than 1,800 contracts in the state, to raise the 21 cents.

Questions from Committee Members and Responses:

REPRESENTATIVE LEHMAN asked the SPONSOR what the vote was when the bill came out of the Senate. The SPONSOR said he believed it was pretty much unanimous.

REPRESENTATIVE OLSON had a question for Connie Erickson. He said the committee had a bill similar to this one and he wanted to

know what happened to it. **Connie Erickson** said it was tabled, but it had bus money in it also.

REPRESENTATIVE BOB LAWSON asked the **SPONSOR** to tell him about the room and board issue. The **SPONSOR** asked that **Connie Erickson** explain it in executive action.

Closing by Sponsor: None

EXECUTIVE ACTION ON SB 65

Motion: **REP. GALVIN-HALCRO** moved that **SB 65 BE CONCURRED IN.**

Discussion:

Connie Erickson explained the amendments that were handed out. It is a technical amendment to make sure that the bill does what the Senate wanted it to do. The bill was drastically amended by the Senate and this amendment was inadvertently left off.

EXHIBIT (edh54a03) SB006502.ace

Motion/Vote: **REP. MANGAN** moved that **AMENDMENT TO SB 65 SB006502.ACE BE ADOPTED. Motion carried unanimously.**

Motion: **REP. GALVIN-HALCRO** moved that **SB 65 BE CONCURRED IN AS AMENDED.**

Discussion:

Connie Erickson explained a conceptual amendment offered by the Browning Public Schools. They wanted to say that the parent or guardian would be responsible for tuition and transportation if a sibling wishes to attend a school outside the district of residence because a sibling has to attend school outside the district of residence. OPI says it isn't necessary but it is okay to put it in the bill.

Motion/Vote: **REP. MANGAN** moved that **CONCEPTUAL AMENDMENT TO SB 65 BE ADOPTED. Motion carried unanimously.**

Motion: **REP. MANGAN** moved that **SB 65 BE CONCURRED IN AS AMENDED.**

Discussion:

REPRESENTATIVE MANGAN said that he, along with others present, was on the Interim Education Committee and worked on a lot of bills. This was the main bill and a lot of work was put into the

bill. Obviously the Senate put a great deal of work into it also. This is a good bill and the committee needs to pass it.

REPRESENTATIVE GALVIN-HALCRO called for the question.

Vote: Motion that **SB 65 BE CONCURRED IN AS AMENDED** carried 17-1 with Waddill voting no.

REPRESENTATIVE JOAN ANDERSEN will carry the bill on the floor.

EXECUTIVE ACTION ON HB 121

REPRESENTATIVE JOE MCKENNEY moved to reconsider **HB 121**. Motion carried unanimously.

Motion: **REP. PETERSON** moved that **HB 121 DO PASS**.

Discussion:

Motion: **REP. OLSON** moved that **AMENDMENTS TO HB 121 HB012102.ACE** BE ADOPTED.

Discussion:

Connie Erickson passed out **REPRESENTATIVE OLSON's** amendments.

REPRESENTATIVE OLSON said the effect of his amendment is to raise the cap an additional 5%. Every school district that is capped, the cap would be raised and the district would have room for added flexibility to ask the local voters for additional money through a mill levy election.

REPRESENTATIVE PETERSON asked **REPRESENTATIVE OLSON** what will be the effect of the amendment? **REPRESENTATIVE OLSON** said those districts that are capped and can no longer ask for a mill levy would be dropped by to 95% and they would be able to run a levy. **REPRESENTATIVE PETERSON** asked what effect does that have on equalization. **REPRESENTATIVE OLSON** said he has had that discussion with **SENATOR BILL GLASER**. Federal guidelines for equalization say that you take the top 5% of the districts and throw them out and the bottom 5% is thrown out. You need at least a 25% window to work with. Currently the state has 20% from the base budget to the maximum budget. This amendment is to increase it and still stay within the federal guidelines. The amendment terminates that ability on June 30, 2003, hoping that the legislature will have something else in place.

REPRESENTATIVE JACKSON asked **REPRESENTATIVE OLSON** to explain to him, if schools will receive additional state money due to this amendment, the way the cap is now, is there a situation where a school would not be able to spend additional state money it receives? **REPRESENTATIVE OLSON** said with **HB 121** there is no added state money the first year. Anything over the 80% will need voter approval. **REPRESENTATIVE JACKSON** said in the second year of the biennium if they get money from the state and they are at the cap, they would have to get voter approval to spend it? **REPRESENTATIVE OLSON** said they don't need voter approval to spend state money.

REPRESENTATIVE MANGAN stated that he will support the amendment. This is going to allow the school districts to ask the voters for more money because the legislature can't adequately fund schools while the legislature is meeting. This tells the local districts they can increase property taxes to fund the schools, but the legislature won't take the responsibility. At some point during the session, looking at the school situation, the legislature has to step up to the plate and not ask school districts to continue to step up to the place. That is the situation the legislature has put them in for years. They get the rage.

REPRESENTATIVE FRITZ asked **REPRESENTATIVE OLSON** if the committee had already passed a measure that took the cap off of the percentage that it could be increased more than 80%.

REPRESENTATIVE OLSON said that bill eliminated the 4% tap on voted levies. It did not increase the maximum allowable budget.

REPRESENTATIVE PETERSON called for the question.

Vote: Motion that **OLSON AMENDMENT TO HB 121 BE ADOPTED** carried 16-2 with Galvin-Halcro and Walters voting no.

Motion: REP. PETERSON moved that **HB 121 DO PASS AS AMENDED**.

Discussion:

REPRESENTATIVE MANGAN stated that the bill is woefully short of what is needed to fund education in the state. The committee knows the numbers and has heard the testimony and this bill is going to fund education adequately.

REPRESENTATIVE PETERSON said he thinks the bill does not provide adequate funding for education, but it does about all the legislature can do for education, short of dipping into sacred funds. The legislature has attempted to do that and it was unsuccessful. If the state is not into crisis, as crisis requires super measures to solve it, this bill is realistic. He

believes it is okay to handle situations like this at the local level. It is not just up to the legislature.

Motion: REP. OLSON moved that **SECOND OLSON AMENDMENT TO HB 121 BE ADOPTED.**

Discussion:

Connie Erickson explained the amendment that **REPRESENTATIVE OLSON** would have her write up. It is to address the termination date of the previous amendment. Currently in **HB 121** it doesn't go into effect until July 1, 2002, because the changes in the entitlements are for the second year of the biennium. This has a delayed effective date on it. By putting in **REPRESENTATIVE OLSON's** amendment regarding 105% without changing the effective date on the bill, the committee has said that the districts cannot use the 105% until the second year of the biennium, so it will not help them next year. What he has requested that she do is that she will draft another amendment to correct that so that in the first and second years of the biennium, districts will have the ability to use the 105% in their maximum general budgets. In the second year of the biennium they will get the increase in the entitlement that are currently in the bill. The entire program will terminate July 1, 2003.

REPRESENTATIVE MANGAN called for the question.

Vote: Motion that **SECOND OLSON AMENDMENT TO HB 121 BE ADOPTED** carried 16-2 with Galvin-Halcro and Walters voting no.

Madalyn Quinlan, OPI, said she wanted to make sure that the schedules do not terminate on June 30, 2003. **Connie Erickson** said when the amendment is written, she will see to it.

Motion: REP. PETERSON moved that **HB 121 DO PASS AS AMENDED.**

Discussion:

REPRESENTATIVE MCKENNEY said that it is important for the committee to keep **HB 121** and **HB 31** alive. He urges a do pass. He isn't sure where the legislature will end up with funding. He would like to see both of the bills pass out of the committee and go to the House floor for a full debate.

REPRESENTATIVE JACOBSON stated that he would be abdicating his responsibility to his constituents if he did support **HB 121**. The amendments do make it slightly more palatable. He has a preponderance of correspondence from them and there hasn't been a

single one that asked him to support this piece of legislation. It falls far short of what his constituents expect.

The question was called for.

Vote: Motion that **HB 121 DO PASS AS AMENDED** carried 11-7 with **Bixby, Branae, Fritz, Galvin-Halcro, Jacobson, Mangan, and Musgrove** voting no.

EXECUTIVE ACTION ON HB 31

REPRESENTATIVE GALVIN-HALCRO moved to reconsider **HB 31**. Motion carried unanimously.

Motion: **REP. GALVIN-HALCRO** moved that **HB 31 AS AMENDED DO PASS**.

Discussion:

REPRESENTATIVE MCKENNEY said that is important for the bill stay alive and go on the floor for a debate.

REPRESENTATIVE GARY BRANAE stated that he has received countless messages from people over the state that this is the bill that needs to be funded.

REPRESENTATIVE GALVIN-HALCRO called for the question.

Vote: Motion that **HB 31 DO PASS AS AMENDED** carried 13-5 with **Jackson, Peterson, Waddill, Walters, and Wolery** voting no.

REPRESENTATIVE MANGAN said that he had voiced a concern early in the session that every time the committee saw a bill with a fiscal note on it, the committee decided it was a bad bill and it tabled the bill. He is pleased the committee has just passed the two bills and sent them to the floor.

ADJOURNMENT

Adjournment: 5:25 P.M.

REP. BOB LAWSON, Vice Chairman

NINA ROATCH, Secretary

BL/NR

EXHIBIT (edh54aad)